

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DAVID DOUGLAS MOELLER,

Petitioner,

v.

MARGARET GILBERT,

Respondent.

CASE NO. C13-5337 RJB-JRC

REPORT AND RECOMMENDATION  
TO DENY IN FORMA PAUPERIS  
STATUS

NOTED FOR: JUNE 21, 2013

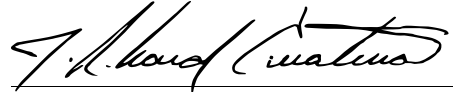
The District Court has referred this petition for a writ of habeas corpus to United States Magistrate Judge, J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner seeks relief from a state conviction. Petitioner filed the petition pursuant to 28 U.S.C. § 2254.

Petitioner paid the full filing fee on May 8, 2013. The Court, therefore, recommends denial of the application to proceed in forma pauperis as moot.

Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have fourteen (14) days from service of this Report to file written objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of de novo

1 review by the district judge. *See* 28 U.S.C. § 636(b)(1)(C). Accommodating the time limit  
2 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on June  
3 21, 2013, as noted in the caption.

4 Dated this 29<sup>th</sup> day of May, 2013.

5  
6 

7 J. Richard Creatura  
8 United States Magistrate Judge  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24